Appl. No. 10/605,527
Response dated 5/17/2006
Reply to Office Action of 11/17/2005

REMARKS/ARGUMENTS

Claim remarks with regards to Objections

The Examiner objected to claims 5 and 70 for lack of use of a ® symbol and a misspelling. Both claims have been amended to correct these informalities.

Claim remarks with regards to 35 U.S.C. §112

The Examiner has rejected claim 41 under U.S.C. §112 for lack of antecedent basis with regards to the "said phone" limitation. This claim has been amended to depend on claim 38 to provide antecedent basis for the limitation.

Claim remarks with regards to 35 U.S.C. §103

The Examiner has rejected claims 1-70 under 35 U.S.C. §103(a) as being unpatentable over Bodnick (U.S. Patent Publication 20020138302) in view of Wine et al., (U.S. Patent 6,137,834) and others. Bodnick, does not anticipate independent claims 1 or 54 for at least the reason that Bodnick does not teach "undetectable transitions" as claimed by the Applicant (see claim 1 final element) and as stated by the Examiner in the office action of 11/17/2005.

Wine et al., relates to switching video and audio streams and does not contemplate encoding audio clips in packets that are "encoded into a degraded frequency response compressed format wherein each packet selected from said insert clip packets and from said master clip packets holds information only for a time duration of each respective packet". Support for this limitation is found at the top of page 56 of Applicant's specification, "MPEG-3 allows for compression with slight degradation of high end frequency spectrum by encoding frames to hold information only for the current frame. By setting the encoder to abandon the use of the bit reservoir and thereby degrading the frequency response slightly this is achieved." Wine et al., does not contemplate encoding anything, but is at the mercy of the bits streaming through the system. Switching streams in Wine et al., cannot happen until certain conditions are met in the buffers, "A critical aspect of splicing information streams is the proper processing of the various delay parameters". (Col. 3, ll. 49-50). Wine et al., therefore is at the mercy of the

10 of 11

Appl. No. 10/605,527
Response dated 5/17/2006
Reply to Office Action of 11/17/2005

data for determining when a splice can actually occur without introducing artifacts. Since there is no contemplation of at least this element and no suggestion to combine, the references cited by the Examiner respectfully do not comprise the limitations of Applicant's invention.
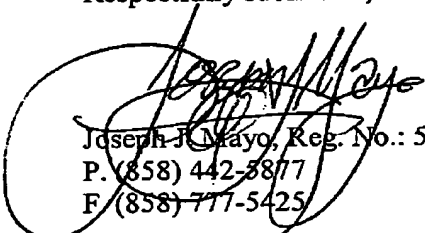
To further prosecution, it is noted that the United States Patent Serial No. 6,388,560 and United States Patent Publication No. 20040125925 references utilize single audio clips with no contemplation of building audio clips from insert clips and master clips. Both of these references involve basic personalization that comprises one audio recording only, without inserting anything into the clip after it is recorded.
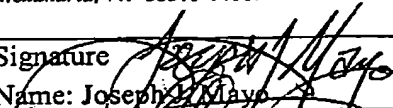
Since the references cited by the Examiner do not disclose or contemplate the combination of elements as claimed by the Applicant, the rejections to the dependent claims are moot.

CONCLUSION

For at least the reasons stated herein, Applicant respectfully submits that the claims are in condition for allowance. If the Examiner differs in this conclusion, the Examiner is hereby requested to contact Applicant's representative for purposes of a telephone interview at the number listed below before any action (other than an allowance) is initiated.

Respectfully submitted,

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Customer Number **36067**	*I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on May 17, 2006 to 571-273-8300 or is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.*
	Signature _____ Date: May 17, 2006 Name: Joseph J. Mayo

11 of 11